

MINUTES OF REGULAR MEETING HELD SEPTEMBER 8, 2020

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 8, 2020 at 8:00 p.m.

Mayor Brindle made the following announcements:

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 11, 2019. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle Council Members, Habgood, Parmelee, LoGrippo, Katz, Mackey, Contract, Dardia, Boyes

ABSENT: None

Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom

FLAG SALUTE

Administrator's Update

- Discussed revisions to tonight's agenda to include 2 late starters. Explained that the first late starter involves a Request for Proposals (RFP) for production services for an Addamsfest Haunted Trail event at Tamaques Park. One proposal was received and a resolution to award a contract for this service was added to the agenda. The second late starter pertains to a resolution to approve certain liquor license renewals. Discussed the extension to the deadline by the State of New Jersey for liquor license renewals and the Town is in the process of collecting required paperwork for renewal of licenses;
- Discussed various upcoming events that were postponed due to the pandemic. The Green Team's Free Market event, originally scheduled for the spring, would be held on September 26 between 8:00 am and 3:00 pm at the southside train station parking lot. Stated the program was a success last year.

Councilman Contract added that the program is designed to help residents with fall cleaning. Social distancing and masks would be required. In addition, there would be separate designated times for drop off and pick up of items to avoid large crowds at any one time. Also, only one person would be allowed per table for the pickup of items.

Councilman LoGrippo asked if a bulk pickup is scheduled for this year.

The Town Administrator stated that a bulk pickup is not scheduled for this year.

The Town Administrator continued with his update as follows:

- Announced that the Green Team is planning another park cleanup for October 11, 2020 at Tamaques and Brightwood Parks. Masks and social distancing would be required;
- Discussed a resolution on the agenda tonight to authorize a permanently marked bike lane, which was a recommendation included in the Bike and Pedestrian Plan from 2019. This lane would be located on Prospect Street from West Dudley to East Broad Street. Explained that this resolution “kicks off” the Town's implementation of the Bike and Pedestrian Plan. Other initiatives would follow over the next few years, both internally through the Town and through pending grant requests;
- Announced that a “pop-up” bike lane program would be held on October 3 and 4 and is being coordinated by the Green Team and partnered by the DWC. This program would be held in conjunction with the DWC's “Food Stroll” event. Discussed how the pop-up lanes would be set up in order to provide residents with an idea of how a bike lane functions. In addition, the pop-up lanes would be connected to the permanently marked lane that leads to Downtown Westfield;
- Discussed the installation of a rain garden at Tamaques Park. Discussed the Town's partnership with Rutgers University on this project which involved an analysis of various Town and municipal properties that could be suitable for a rain garden. The first recommendation involves a substantial rain garden in the center of Tamaques Park. Also

discussed fundraising and participation by the Girls Track Team with respect to this project. Installation is expected to begin in the next few weeks, under the supervision of Rutgers University. Feels this is not only a project that would help beautify the park but is also an educational tool for all.

Councilman LoGrippo requested an update on the removal of storm debris.

The Town Administrator explained that Town debris would be picked up by the Town. Requests from residents have been received through the Westfield Connect app and the DPW Director has been responding to those requests and making a determination as to whether it is Town debris. A response would be provided to all requests and residents would be informed as to whether the Town would be removing the debris, or if residents would be required to remove it themselves. No debris should be in the street during leaf collection.

Councilman LoGrippo also requested cost information related to the haunted trail event to be held in Tamaques Park.

The Town Administrator explained that it would be a drive-through haunted trail with a cost of \$24,500 to be paid through funds previously raised through Addamsfest events.

Mayor's Remarks:

- Thanked those who joined the meeting virtually and reminded all that public comment would only be accepted via Zoom, with live streaming for viewing only on Facebook. A replay of the meeting would also be available on Facebook, YouTube, and TV 36;
- Provided an update of COVID-19 and announced that today there were 194,667 confirmed cases in New Jersey to date, with another 307 still under investigation. Union County has reported 17,238 cases in total, with Westfield reporting four new cases since her last update on Friday (two on Saturday, and two on Monday), bringing Westfield's total to 372 since the first reported case in March. Also provided clarification as to the inclusion of out of state college students in Friday's report. The Town reports the numbers as they are received, which means anyone who claims Westfield as their residence when being tested would be included in the report, regardless of where they were tested. When additional location information is received, like that of out of state college students included in the Town's reports, it will be provided in order to help everyone understand which cases may or may not have an impact on community spread;
- Announced that Governor Murphy has added Delaware, Maryland, Ohio and West Virginia, and removed Puerto Rico and the Virgin Islands from the list of quarantine states. There are now 35 states on the list, which can be viewed in full at covid19.nj.gov/travel;
- Announced that the voter registration deadline in New Jersey is Tuesday, October 13 and that the State now has an online voter registration form up and running, where residents can register to vote, confirm registration, and set up an account to track mail-in ballots. Residents should visit nj.gov/state/elections for more information;
- Encouraged residents to attend the annual remembrance ceremony at the 9/11 memorial to be held on Friday evening at 6:00PM, where she would be joined by community faith leaders to reflect on the tragic events of that day and the 12 Westfield residents who were lost. All attendees are asked to wear face coverings and maintain social distancing;
- Announced that beginning today, the Westfield Memorial Library is now open at 9:30 each morning and has begun partial use of its computers to residents. For additional information on their protocols, visit www.wmlnj.org;
- Announced that there is another very full agenda tonight, which she feels is indicative of the progress that continues to be made in many areas. Stated that tonight is the second reading of the Historic Preservation Ordinance, and in response to some very constructive resident feedback, a revised version of this ordinance was introduced last month, which also had the benefit of providing additional time for public input. In addition to the comments provided at the last two meetings on this topic, she, along with members of the Historic Preservation Commission, have fielded emails and phone calls to collect feedback and provide clarity. Ultimately, she believes that a very balanced and sensible approach has been found to preserving Westfield's historic homes and the concerns of property owners. As she has stated before, she recognizes that for some this is not politically popular, but its intent is supported by many and consistent with the commitment she made, along with many on the Town Council, to make historic preservation a priority. This ordinance would ensure that, going forward, the Town would

have some sensible review processes in place before any more historically significant buildings are lost to tear downs;

- In addition, as a companion to the revised historic preservation ordinance and in response to suggestions received, the Town Council is voting on a resolution that would ultimately enable the Town to provide five year tax abatements on the value of improvements to historically designated homes. Similar to the process that recently occurred with the downtown, the Town Council would be voting on a resolution referring a town-wide “area in need of rehabilitation” study to the Planning Board for review. An ordinance would then be drafted that would apply the “area in need of rehab” designation to only historically designated homes to allow for the tax abatement, providing further incentive for property owners to consider voluntarily designating the historic homes that meet the HPC criteria;
- Announced that there would be a presentation by Recreation Commission member Brad Rothenberg to update all on a variety of initiatives, including the Edison School field project, Sycamore Playground, and some general parks updates, including the much discussed Brightwood Park bike paths;
- Stated that the Town Council would also be voting on a resolution that would allow for shared bike lanes on Prospect Street between West Dudley Avenue and East Broad Street, which is the beginning of the implementation of the recommendations from the 2019 Bike/Pedestrian plan;
- Provided an update on road paving and announced that tonight there would be a vote on a resolution to award a contract for the resurfacing of Scotch Plains Avenue, the majority of which would be offset by a State Transportation Trust Fund grant. Explained that in spite of necessary budget cuts, the Town is currently on track to pave just over seven miles of roadway this year, both through Town and County projects and those being completed by Elizabethtown Gas due to the 2019 road paving ordinance, as part of the Town’s ongoing commitment to invest in its infrastructure;
- Announced that the Town Council would also be voting on a resolution to award a contract for crossing guard management services for a second year with All City Management Services (ACMS), which has been a valued partner in overseeing this program, recruiting and retaining many existing guards, providing training, and analyzing the Town’s needs so that this set of responsibilities no longer detracts from the time and resources of the Police Department. The Town Council’s Public Safety, Parking, and Transportation Committee recently reviewed the program with ACMS management and the Police Department, and determined in conjunction with the Finance Policy Committee that the program has some restructuring opportunities due to the differences in this year’s school schedule and anticipated decrease in daily student foot traffic. The Town would work with the Board of Education to communicate the current list of posts ahead of school starting on Thursday;
- Announced that the Town Council would formally recognize September 18 as POW/MIA Remembrance Day via resolution to honor the many servicemen and women who are gone but not forgotten. Stated that her father is one of those MIA servicemen and that she is grateful to the Town Council for their support of this resolution;
- Thanked the Health Department for their ongoing work with the Board of Education to prepare for the return of students to school this week. Feels that in a year like no other, teachers, administrators, parents, and students are doing more than ever before to adapt to uncertainty. Believes it is not easy for anyone, and all are navigating through this new normal together. Stated that she has spoken to Regional Health Director Megan Avallone regarding a process to ensure that daily updates are provided regarding any school related COVID cases so that the Town can respond quickly if necessary, to mitigate community spread. As the Town has seen over the past six months, she feels there is no doubt that the community, and in particular parents, teachers, and students would once again rise to the occasion to ensure the best possible outcome for all;
- Lastly, reminded everyone that she would once again be enforcing Robert’s Rules this evening to ensure that everyone stays on topic and that the meeting runs efficiently. Any comments that are not relevant to the particular business at hand should be deferred to after Council committee reports and not in this meeting. In addition, the public would only be allowed to comment during the public comment portion for a specific ordinance, or later in the general comment portion, but can speak only once on a particular topic. Explained that she has an obligation to manage the Council meetings and would do all that she can to ensure that everyone stays on topic this evening. Thanked everyone for their cooperation and understanding.

APPOINTMENTS

PRESENTATIONS

Recreation Commission:

Brad Rothenberg, Chairman of the Fields and Parks Committee of the Recreation Commission, provided an update on parks and fields. Discussed the Parks and Recreation Strategic Plan that was prepared in 2019 and approved by the Recreation Commission, Town Council and forwarded to the Planning Board for inclusion as an appendix in the Master Plan. Explained that the output of this process was a thorough plan that laid out an ambitious 10-year agenda to improve the facilities in Town. The Town Council then asked the Recreation Commission to review the plan and compile a list of prioritized projects to maximize impact for a wide variety of users while keeping costs at a reasonable level. These priorities were presented to the Town Council shortly before the shut-down due to the pandemic. Discussed the list of prioritized projects, such as ADA compliance in parks, playground equipment replacement at Sycamore Park, and a fields Master Plan for Edison School. With respect to the Edison School Master Plan, explained that the Parks and Recreation Strategic Plan included recommendations for turf field complexes in several sites, including Memorial Park and Edison School. It was the opinion of the Recreation Commission after reviewing the plan that improvements to Edison Field would have the greatest impact to the Town's field capacity, while also providing an upgraded facility for the school. Stated that the project began with the formation of a steering committee, which included representatives from the Town's administration, the Recreation Commission, the school's administration and Board of Education. The steering committee recommended the hiring of architects to design a plan for this facility and to draft any needed New Jersey Department of Environmental Protection (NJDEP) approvals. The vendor selected for this project has begun meeting with various sports leagues and school users and it is anticipated that a design would be presented before year-end. Mentioned that the design process has shown a great deal of cooperation between school leadership and the Town.

Mr. Rothenberg also discussed improvements recommended for Tamaques Park. First was the completion of a wetlands delineation study for Tamaques Park, which indicated that up to 7 acres of land is usable for facility improvements. Explained that this 7-acre area is the area between the park loop and Lamberts Mill Road and does not include the area currently used for walking and cross-country trails. Once the study is approved by NJDEP, the Town could begin determining possible uses for this area, which is currently unused space. Also discussed recent repairs and improvements to the picnic area at Tamaques Park and the painting of the tennis wall by a group of volunteers, led by Councilman Katz.

Mr. Rothenberg then discussed a parking and bathroom project recommended for Sid Fay and Houlihan Fields. Explained that this recommendation included an expansion of the existing parking lot and construction of a restroom facility. The Town is currently considering design options and possible funding mechanisms.

Next, Mr. Rothenberg discussed the recommendations for improvements to Brightwood Park, many of which included nature use improvements as well as multi-use dirt trails. Feels there is a great deal of misinformation circulating about this plan, as biking is already permitted in Brightwood Park and trails already exist for this purpose. The proposed plan is to partner with a volunteer organization that specializes in trail design in order to convert the crude trail that exists to a better plan and more sustainable trail. The trails proposed would be 100% natural trails and no concrete or other construction materials would be used. In addition, part of this plan recommends that bikers would no longer be allowed to use the gravel trail that circles the pond. Stated that Brightwood Park has become overrun with invasive plant species because of the deer population and better trails would be one small step in slowing the spread of invasive species. Explained that this plan is still in the feasibility stage and the Town is requesting a Letter of Interpretation from NJDEP to determine the approvals that might be needed if the Town chooses to move forward with this project.

Lastly, Mr. Rothenberg discussed improvements to Windsor Park Playground. It is anticipated that this project would begin once work is completed at Sycamore Park. Input would be sought from residents near Windsor Park as to the design needs for the playground.

In closing, Mr. Rothenberg announced that the Recreation Commission has received notice that the Westfield Rink intends to open for operation with COVID protocols in place.

Councilman LoGrippe mentioned that a memorial section adjacent to the new Sycamore Playground would be dedicated in memory of Terry DiFalco and stated that he has been working with the DiFalco family and residents of the area. Requested an update from the Town Administrator as to the completion date for installation of the new playground equipment at Sycamore Park.

The Town Administrator explained that there has been a delay of at least 2 weeks due to the change in the order for playground equipment. If the resolution for the playground equipment is approved this evening, completion of the project is expected in late fall, weather permitting.

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2183

AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD

Advertised returnable this evening.

Councilman Boyes recused himself and logged out of the meeting during public comment and adoption of General Ordinance No. 2183.

Mark Rhodes, 10 Webster Place, spoke in opposition to General Ordinance 2183. Stated that he understands that the Mayor and Town Council have a vision for Westfield and that this ordinance provides the Town with the power to implement that vision, but feels it also give future Westfield leaders the power to implement what they believe their vision for Westfield should be. Objects to this ordinance on the premise that the government is imposing its will at the expense of the basic right of its citizens. Stated that it is a citizen's right to own property, and to improve and sell that property as he/she sees fit. Feels it is abhorrent that the Town could designate a home as historic and limit how it may be restored or sold without homeowner's consent. While the current governing body has indicated that it would not take this step without homeowner's consent, there is no guarantee that the current governing body or future governing bodies would not take the step to designate any or all old homes without the homeowner's consent in order to implement their vision for Westfield. Believes the ordinance, as currently written, provides too much discretion to the governing body and could significantly impair the property rights of many "Westfielders". Urged the Town Council to vote against adoption of this ordinance.

Courtney Schael, 511 Summit Avenue, discussed the timing of General Ordinance No. 2183 and the fact that it is being considered for adoption during COVID when there is a limitation as to information and the inability to meet in person. Feels not only is the public information concerning this ordinance limited, but believes the information that was disseminated was misleading, incomplete, and at times, completely false. Discussed some examples of misleading information and referred to a Letter to the Editor (LTE) written by Councilman Contract in which he criticized Councilman LoGrippe for disseminating false information about this ordinance. In that LTE, Councilman Contract discussed the vantage point in which a Certificate of Appropriateness would be required and stated that his comments were completely false. Also stated that as per meeting notes she reviewed, the Town Attorney had a different explanation as to the vantage point that would require a Certificate of Appropriateness. Due to conflicting explanations, she contacted the Historic Preservation Commission for clarification and was informed that the Town Attorney's interpretation was correct, and as such, Councilman Contract "blatantly" provided false information to the public. Also discussed language changes to the ordinance, specifically changing "vantage point" to "public vantage point" without additional vetting. Referred to comments concerning the thorough vetting that occurred with this ordinance and statements that outside attorneys and professionals were consulted. Stated that she contacted the Historic Preservation Commission for information as to the attorneys that were consulted and was informed there were no outside attorneys consulted. Referred to Mayor Brindle's comment that this ordinance is a "complex" piece of legislation. Appreciates the efforts of the Mayor and Town Council on this ordinance but feels they do not have the expertise or experience required to draft and enact legislation since none of the councilmembers are attorneys. Feels the Town has spent money on consultants on less complicated issues and believes a land use attorney should have been retained for this ordinance. Referenced comments by the Historic Preservation Commission that this ordinance is widely supported by residents and that during the Master Plan process, 80% of respondents to the Master Plan survey agreed that historic preservation was very important. Feels what was not mentioned was that only approximately 475 residents responded to that survey and

believes this was not a fair representation. In addition, discussed comments by the Mayor, councilmembers and Historic Preservation Commission members that there is no intent to designate a home as historic without homeowner's consent. Feels that while the current governing body may not have this intention, that statement would not "hold up in a court of law". Believes if there is no intent to use this legislation then it should not be enacted. Believes no builder would have any interest in a home in Westfield that was built before 1930 if this ordinance is adopted. In closing, stated that she feels this ordinance is unfair, regardless of how many homeowners it might impact.

Steven Lowe, 116 Marlboro Street, stated that he has been a Westfield resident for 30 years and his main concern is historical preservation. Believes there are many great old homes and referenced comments that Westfield has become known as a "tear-down town" and believes that this perception of Westfield has been created. Also feels there are many beautiful and ugly new and old homes in Westfield and that some need to be torn down because the cost to renovate them would be significant. Expressed concern that a small group of people could force a designation on a homeowner. Encouraged the maintenance of old homes but does not believe anyone should be forced into a designation without their consent. In addition, discussed General Ordinance No. 2178 which pertains to solar panel regulations. Stated that this ordinance includes language that indicates that homeowners with homes in a historic district would not be able to install solar panels on their home. Feels this is a serious regulation, especially for a homeowner interested in installing solar panels on his/her home. Feels green initiatives are important and should not be restricted. Reiterated his prior statement that no small group of people should have the power to designate a home without the owner's consent.

Gary Siegel, 266 East Dudley Avenue, thanked Councilwoman Habgood and the Town Attorney for the time they spent with him and his neighbors to provide them with a better understanding of this ordinance. Referred to comments by other residents and agrees that this is a complex issue. Also feels there has been "disingenuous" information disseminated by all parties, including the Town Council. Stated that he is the owner of a historic home and feels it is important for the Town Council and the Historic Preservation Commission to hear from the owner of a historic home who is opposed to this ordinance. Stated that his home is on the list of 120, was built in 1906 and has some historic significance. In 2005, he and his wife renovated and restored their home. In 2009, he and his wife were presented with the Harry Devlin Historic Preservation award in recognition of the preservation, restoration and revitalization of the architectural integrity of their home. At that time, he and his wife considered the historic designation of their home but ultimately decided not to pursue it because there were too many obligations and constraints associated with the designation. While he and his wife are in favor of historic preservation they are against the ordinance because they feel it is an overreach by the government on the property rights of citizens. Discussed comments by the current Town Council that there is no intent to move forward with the historic designation of a home without the property owner's consent. Stated that he does not understand why language to that effect could not be included in the ordinance, or why language which indicates that the designation process would only be triggered by a demolition permit application could not be included. Referenced a letter by Mayor Brindle with respect to General Ordinance No. 2183 that he received via regular mail to his home, which he believes was at the expense of taxpayers. This letter indicated that as an owner of one of the 120 properties, the Town would be asking these homeowners to consider voluntary designation in collaboration with the Historic Preservation Commission. Stated that he has no interest in designating his home as historic. Also referenced language within Mayor Brindle's letter as to the Town having no intent to designate properties as historic without homeowner's consent. Stated that he expects the current Mayor and Town Council and future Town Councils to keep their word on these points.

Kathy O'Gara, 625 Westfield Avenue, stated that while she agrees with the concept of historic preservation, she is concerned about the difficulty in obtaining information with respect to this ordinance. Stated that she bought her house in January and was unaware that it was included on a list in General Ordinance No. 2183. While she intends to preserve her home, she has questions and concerns with the ordinance and feels it has been challenging to obtain answers to her questions. Discussed differences between the list of homes included in General Ordinance No. 2183 versus the list included in the ordinance adopted in 2008 and questioned why some homes have been removed from the 2008 list.

Dave Gordon, 625 Westfield Avenue feels language in the ordinance is conflicting or subjective which raises questions about future implementation. Also discussed the list of homes and map included in General Ordinance No. 2183 and stated that there are homes in his neighborhood that are not on the list which are older and appear to have historical significance. Believes this makes

it unclear as to what criteria has been used to comprise the current list of homes in General Ordinance No. 2183 and what criteria might be used in the future.

Eileen Blancato, 18 Carol Road, raised her hand to speak on behalf of her father-in-law, Sam Blancato, 527 Summit Avenue.

Mr. Blancato stated that he is opposed to the adoption of General Ordinance No. 2183 because he feels each homeowner should have the authority to do whatever he/she feels is reasonably necessary to his/her home. Stated that he owns 3 homes on Summit Avenue, all of which were built before 1930. Feels the Mayor and Town Council should not have the ability to decide what homeowners may be allowed to do with their homes. Also feels that because of the pandemic, the ordinance should be provided to each individual homeowner, as not all residents read the newspaper. In addition, feels a vote should not occur until the pandemic is over and the Town Council is able to meet in person in order to provide the Town Council with a better understanding of how many residents are opposed to this ordinance. Believes “it is wrong for 8 people to tell 30,000 people what to do”. Also volunteered to provide his additional time to speak to a previous speaker who reached the time limit. Feels there have been many changes in Westfield, most of which were good, but does not feel General Ordinance 2183 benefits the homeowners of Westfield.

Ms. Blancato reiterated Mr. Blancato’s request to volunteer his additional time to a previous speaker.

The Town Administrator explained that time cannot be donated to another speaker.

Anastasia Harrison, 1011 Minisink Way, Westfield Planning Board member and licensed architect, stated that she wrote an article 2 to 3 years ago concerning the outrage with home demolitions and the rate in which homes were being torn down in Westfield. Explained that she is a former member of the Historic Preservation Commission and is familiar with the current regulations. Does not feel the revisions to this ordinance are vastly different than the current regulations. Explained that General Ordinance No. 2183 provides a “pause” for the Town Council and residents to look at homes that might have character. Feels home values would not decrease as a result of this ordinance and believes property values would increase because the character of homes is being preserved. Also discussed solar panels and green initiatives and feels residents interested in green initiatives should not tear their house down. Feels it is disingenuous to tear down an old home and replace it with subpar materials and less energy efficient building systems and walls. Stated that she is proud that the Town Council is moving forward with this ordinance. Also feels this “pause” is needed in order to maintain the character of Westfield neighborhoods.

Julie Diddell, 411 Elm Street, commended the Mayor and councilmembers for their efforts with General Ordinance No. 2183. Stated that elections have consequences and that this is a platform that Mayor Brindle ran on, and she now has an opportunity to carry out her platform. Feels Mayor Brindle will monitor this ordinance and revise as necessary. Referenced comments of previous speakers who expressed concern with decisions being made by small groups of people and discussed the Planning Board and Zoning Board which are also comprised of small groups of people making decisions which could impact the character of a neighborhood. Stated that she supports the Mayor.

Dhillon Patel, 101 Surrey Lane, commended Ward 4 councilmembers for their efforts with Tamaques Park improvements.

Mayor Brindle explained that this portion of the meeting is reserved for comments on General Ordinance No. 2183 only and asked Mr. Patel to hold his comments until the public comment portion of the meeting.

Sherry Hines, 28 Stoneleigh Park, stated that she is opposed to General Ordinance No. 2183 because she feels it is an overreach by government. Also feels it has been difficult to obtain information, specifically language within the Municipal Land Use Law which indicates that the Town must have the authority to impose a designation on a home without the property owner’s consent in order for this ordinance to be in compliance with state statute. Also stated that Local Certified Government regulations do not include this type of mandate. Believes there has been a great deal of misinformation, and that most of that misinformation has come from the Historic Preservation Commission and the Town Council, who are accusing others of spreading misinformation. Discussed the list of 120 homes included in General Ordinance 2183, which includes her home. Stated that she has spoken to many of the homeowners on the list and that many

did not understand that General Ordinance No. 2183 would impact more than just homes that were built pre-1930. Also discussed the governing body's intent with respect to this ordinance, and while she is willing to give the current governing body the benefit of the doubt, feels there will be a problem if a home is designated without homeowner's consent. In addition, informed the Town Council that she is opposed to the historic designation of her home and would not voluntarily pursue historic designation. Mentioned that she is also a recipient of the Harry Devlin Historic Preservation award and supports those who wish to maintain their historic home, but feels this is the homeowner's decision, not the Town's decision. Feels many residents would voluntarily pursue historic designation of their home and the ordinance should be revised to allow for voluntary designation.

Michael Blancato, 18 Carol Road, feels the Town Council should allow speakers to donate time to other speakers when necessary. Also feels this ordinance should be voted on after the pandemic when the Town Council can meet in person. Referenced comments concerning demolitions that were made by Anastasia Harrison and stated that he filed an OPRA request for records related to demolitions and while he has not yet received a response, it is his understanding that there were only 19 home demolitions in 2019, and approximately 40 in 2018, and of those 60 demolitions, approximately 10 were built prior to 1930. Referenced comments concerning studies which indicate that this ordinance would positively impact property values and stated that none of those studies represented Westfield. In addition, the studies indicated that moderate income municipalities saw an increase in property values, but Westfield is not a moderate-income municipality. Also requested clarification from the Town Attorney as to whether this ordinance exceeds the Municipal Land Use Law and feels this question should be answered before the Town Council votes to adopt this ordinance because several councilmembers have stated that this language is needed in order to comply with the Municipal Land Use Law. Agrees that the current regulations need revision but disagrees with the revisions being proposed. Stated that he contacted the State of New Jersey to discuss this matter and that no one from Westfield has contacted the State since August 20, 2020 to confirm if General Ordinance No. 2183 complies with Municipal Land Use Law. Feels this confirmation is needed before a vote is taken to adopt this ordinance. In addition, discussed the need for realtors to disclose the existence of this ordinance to potential homebuyers.

Mr. Blancato also discussed the potential impact of this ordinance to property values and stated that he was not aware of any material appreciation of a historically designated home in Westfield. Stated that the property taxes of the 60 homes that were demolished in Westfield since 2018, increased by an average of \$9,000 per home. Also stated that he disagrees with Ms. Harrison's comments that older homes could be made more energy efficient. Informed the Town Council that he intends to demolish his home early in 2021 and would be challenging this ordinance, if it is passed. Referenced comments by Mayor Brindle and feels that she inaccurately stated his position on the demolition of historic homes. Also referenced language within General Ordinance No. 2183 which pertains to the actions that would be required for a Certificate of Appropriateness. Stated that the material he installed on the façade of his home, which is much more energy efficient, would not be permitted under General Ordinance No. 2183. Discussed a lawsuit pending in Plainfield because the municipality would not allow the type of railing the homeowner wished to install on his porch. Feels Westfield will experience similar lawsuits if this ordinance is adopted. Lastly, Mr. Blancato stated that he has requested, more than once, an in-person meeting concerning this ordinance. Referenced the presentation by the Historic Preservation Commission concerning this ordinance and while he feels it was an excellent presentation, believes it was a biased opinion and others should have the same opportunity to present their opinion concerning this ordinance. Also mentioned that the Master Plan survey did not ask if residents would support an ordinance that would restrict the rights of certain homeowners, but simply asked if historic homes should be preserved. Discussed election platforms and stated that this issue would be heard during election time next year if the Town Council moves forward with this ordinance.

Kelly Kessler, 424 Hillside Avenue, stated that she has been a member of the Historic Preservation Commission for many years and that the Town applied to become a Certified Local Government approximately 10 years ago. Stated that every time an old home is threatened, residents, including Sherry Hines, have contacted the Historic Preservation Commission to ask what the Town could do to address it. Believes certain residents want the benefit of historic preservation without designating their own home. Also stated that she has heard many residents express concern with the number of houses being demolished in Westfield. Feels historic preservation should be something that is right for the Town as a whole, and whenever change on a large scale is attempted, there will always be some who oppose it. Feels significant research was done on this issue and that historic preservation needs to be addressed before it is too late. Feels Mayor Brindle listened to

her constituents when she was running for office and commended the Mayor for her efforts on this ordinance. Stated that she supports this ordinance and while it provides the Town with the authority to designate homes and districts as historic, she believes it is unlikely that it would happen without the homeowner's consent. Feels a problem exists that this ordinance addresses and she supports its adoption.

Michael Ash, 913 Summit Avenue and member of the Westfield Planning Board, stated that he supported this ordinance when it was referred to the Planning Board for a consistency review with the Master Plan. Also stated that he lives in a pre-1930 home and supports this ordinance. In addition, stated that he is an attorney whose specialty is property rights law, such as eminent domain action and representing property owners against the government. Explained that General Ordinance No. 2183 is consistent with typical zoning ordinances. Stated that he is uncertain as to how this became a politically divisive issue and why people consider the historic designation of a property the same as a "taking". Explained that this is not a "taking", it is not government overreach, and is consistent with the Town's Master Plan and the goals and objectives of the Town's zoning. Stated that he would continue to support this ordinance because he feels it is the right direction for the Town to preserve the character that exists.

Sherry Hines, 28 Stoneleigh Park, requested another opportunity to speak to respond to Kelly Kessler's comments.

Mayor Brindle explained that it is Town policy to allow speakers only one opportunity to speak.

Robert Wendel, 704 Lenox Avenue, urged the Town Council to support General Ordinance No. 2183 because he feels it propels the community forward "into its future with an eye on its past". Stated that it is the 300th year of the Town's founding and feels the community needs to reflect on its past through its architecture, its history and its culture. Feels the Town's history still exists in many special structures in Town. Reiterated his request that the Town Council move forward with General Ordinance No. 2183. Feels it may not prevent all demolitions going forward, as they will be addressed on a case by case basis, but feels this ordinance is an important step to take before any additional history is destroyed.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2186

AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD AS IT RELATES TO PODS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2187

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD BY DEFINING PET CARE FACILITIES AND ESTABLISHING THEM AS A PERMITTED PRINCIPAL USE IN CERTAIN ZONE DISTRICTS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2188

AN ORDINANCE TO AMEND ARTICLE IA "DEMOLITIONS" OF CHAPTER 8 OF THE TOWN CODE OF WESTFIELD

Advertised returnable this evening.

Courtney Schael, 511 Summit Avenue, believes this ordinance is necessary to conform to the historic preservation ordinance. Stated that her sister owned the Wychwood Gate House which burned down. As a result, her sister needed to apply for a demolition permit. Feels it is fortunate that the historic preservation ordinance and demolition ordinance were not in effect at that time because her sister might not have been issued a demolition permit. Feels the home would have also been designated as historic because it was built in 1927. Feels her sister would have been required to

obtain a Certificate of Appropriateness and would have been required to rebuild the house as per the Town's standards. As a point of reference, mentioned that her sister paid \$750,000 for the home, but the cost to rebuild the home exactly as it was would have cost \$900,000. Feels requiring the Historic Preservation Commission to review all demolition permit applications would impact many residents.

Anastasia Harrison, 1011 Minisink Way, discussed the Red Cross Building which was scheduled for demolition and because she and other board members became involved, the developer built the new home with an architectural style that is consistent with the surrounding homes. Feels it is beneficial to the Town to have a tool that provides more time when a demolition permit is filed to allow more projects such as this to be a benefit to the Town.

Michael Blancato, 18 Carol Road, feels there is a misconception concerning the demolition process and stated that there is a process in place that provides the Town with 20 days after an application is filed to issue a demolition permit. Feels this is plenty of time for consultation with the Historic Preservation Commission and the Town Council and believes this ordinance is an "overreach". Feels both General Ordinance No. 2188 and 2183 should be voted down.

The Town Attorney explained that General Ordinance No. 2188 is not related to the historic preservation ordinance but was recommended by the Town's Construction Code Official as a "clean up" and clarificatory ordinance.

Gary Siegel, 266 East Dudley Avenue, stated that Councilman LoGrippo has been attempting to speak but has not been unmuted and asked if there is anything preventing a councilperson from speaking on this call.

The Town Attorney explained that Town Council meetings are conducted pursuant to Roberts Rules of Order and this is the portion of the meeting that provides an opportunity for the public to comment on a specific ordinance. After the public hearing is closed, the ordinance would be put up for a motion and a second and discussion by councilmembers would occur at that time. Explained that the public comment portion of the meeting is not the appropriate time for debate.

Councilman LoGrippo feels councilmembers should be allowed to thank residents for their comments and questioned who is controlling the mute button.

The Town Administrator stated that it is his understanding that each councilmember has the ability to control his/her own mute button.

Councilman LoGrippo stated that his mute button has been locked.

The Town Attorney stated that he does not recommend that councilmembers start debating, discussing or even saying hello and goodbye with the public during the public hearing for an ordinance.

Councilman LoGrippo feels it is ridiculous that councilmembers are unable to thank a resident for his/her comments.

Mayor Brindle thanked residents for their comments and thanked the Town Attorney for his clarification.

Hearing no further comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2183 - AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD." by Councilwoman Mackey, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Town Council comments:

Councilman LoGrippo stated that he has opposed this ordinance since it was first introduced in June. Feels it is an overreach and unfair that the Town would have the “final say” on the designation of a historic home or district. Also believes this ordinance would lead to a lawsuit. In addition, informed the Mayor and other councilmembers that a Ward 3 resident has started a petition against General Ordinance No. 2183 with approximately 150 signatures. Stated that this resident emailed the petition today and asked if Mayor Brindle or Councilman Contract confirmed receipt.

Mayor Brindle stated that she also received the petition, provided it is the same resident.

Councilman Contract stated that he also spoke to this resident earlier this evening.

Councilman LoGrippo stated that he appreciates the effort that went into this ordinance but has a different opinion than other councilmembers. Also referred to comments concerning a letter from Mayor Brindle to residents with respect to this ordinance and asked if the Town paid for the circulation of that letter.

Mayor Brindle explained that the Historic Preservation Commission circulated a letter to residents which included a copy of an LTE Mayor Brindle had submitted to the Westfield Leader.

Councilman LoGrippo reiterated his question as to whether the Town paid for the circulation of the letter and expressed concern that only certain residents received the letter.

The Town Administrator stated that he would follow up.

Mayor Brindle stated that she just received confirmation that taxpayer dollars were not used to circulate the letter. Also provided some points of clarification based on public comments. Stated that the list of homes mentioned by residents was created in 2002 as part of the historic element of the Master Plan. Feels that this “brings to light” the fact that many homes were included on a list for nearly 20 years without the homeowner’s knowledge. Also stated that the Town’s Planning Board Attorney was consulted on General Ordinance No. 2183.

The Town Attorney explained that there were many meetings held with respect to General Ordinance, No. 2183, both with a subcommittee and the Historic Preservation Commission. In addition to the Planning Board Attorney, the Town Planner as well as a State expert on historic preservation law were also consulted concerning this ordinance. In addition, mentioned that Westfield’s Planning Board Attorney was the attorney in Montclair and was involved in the creation of Montclair’s historic preservation ordinance. Lastly, stated that Kelly Kessler consulted with staff in New Jersey’s Historic Preservation office with respect to this ordinance.

Councilman Parmelee outlined his support for General Ordinance No. 2183. Feels this ordinance is right for the Town and is consistent with feedback received during the public input process for the Master Plan, the results of which were an overwhelming preference for a reduction in demolitions and the preservation of the houses and character of the Town. Believes General Ordinance No. 2183 has been overly and inappropriately politicized and feels the loudest and most organized opposition to the ordinance has not been from people who truly care or do not care about historic preservation, but instead from those who have historically criticized Mayor Brindle. Stated that one vocal opponent to the ordinance actually argued the opposite in the Westfield Leader many years ago and took the position that the Town should take steps to historically designate a home in Ward 2 without the consent of the homeowner. Explained that he is not persuaded when this type of hypocrisy exists. Also explained that he is not persuaded by the argument that the Town Council should not consider this ordinance during a pandemic. Stated that it is currently 9:47 PM and to this point all discussion during this meeting has essentially been related to General Ordinance No. 2183. In addition, the adoption process began in the beginning of the summer and he feels there has been plenty of time for residents to voice their opinion either during a Town Council meeting or directly with councilmembers. Further, there have been Town Council meetings that have included a substantial amount of comments concerning this ordinance, opponents have alerted residents with doorhangers and flyers, and numerous articles and LTE’s were included in both the Westfield Leader and Tap Into Westfield. Personally, he has had a substantial number of phone calls, emails and conversations with his friends and neighbors with respect to this ordinance, both in support and in opposition to the ordinance, and he has even heard from people outside of Westfield. Also stated that he is not

persuaded by the argument that elderly people are unable to participate in a Zoom meeting. In addition, stated that the ordinance has been revised in many respects based upon public input and feedback. Further, he is not persuaded that the demolition provision of the ordinance would negatively impact property values, as the percentage that triggers the demolition requirements has been revised. Explained that the purpose of the ordinance is to encourage renovation rather than demolition of pre-1930 homes. Referenced Mr. Siegel's comments and the award presented to him and his wife for their restoration efforts and feels Mr. Siegel would not want to see a future buyer demolish his home after putting so much effort into restoring it. Feels updating pre-1930 homes makes them more energy efficient and more use-efficient for larger families. Explained that he and his wife renovated their home approximately 10 years ago and it was substantially less costly to renovate it rather than demolish it and rebuild. Also feels it is very important that the Town is moving forward with a resolution to designate the Town as an area in need of rehabilitation to encourage owners of historic homes to maintain them by offering a tax incentive. Another revision to the ordinance involved a mechanism that allows a homeowner to determine, before they sell or renovate their home, whether the Historic Preservation Commission would consider seeking designation. As such, feels there is no issue with a realtor's disclosure because a determination could be made in advance. Further, the ordinance was revised to shorten the timeframe for review to make the process more efficient, and the percentage of homes that would need to appeal upon designation was also reduced. In addition, stated that he is not persuaded by the argument that the ordinance improperly provides the Town with inappropriate power to impact homeowner's property rights. Discussed the Municipal Land Use Law as it pertains to historic preservation and stated that State law is "rooted" in a municipality's inherent authority to enact zoning law. Explained that there is no benefit to the Town to "willy nilly" designate a home or district as historic without the owner's consent. In closing, stated that for all of these reasons, he feels this is the right ordinance for Westfield and he supports it.

Councilman LoGrippe asked Councilman Parmelee if he intends to pursue historic designation of his home.

Councilman Parmelee stated that he would not be pursuing historic designation because his home does not satisfy the requirements to be designated as historic. However, if his home were subject to the ordinance, he would still support its adoption. Also mentioned that he did not receive an award for the renovations that were done to his home and is therefore confident that pursuing historic designation would be a waste of the Historic Preservation Commission's time.

Councilwoman Habgood mentioned that she is the liaison to the Historic Preservation Commission and discussed the significant amount of time that was spent evaluating the proposed amendments to General Ordinance No. 2183. Also discussed time spent answering residents' questions via email, preparing FAQ's and holding meetings both via Zoom and in-person to ensure that all residents were provided with an opportunity to be heard and to consider all input and feedback. The input received from residents resulted in further amendments to the ordinance. Stated that she would be supporting this ordinance because she feels there is a need to preserve the Town's history and does not believe it is an overreach. Encouraged residents to read all of the documentation that has been prepared concerning this ordinance because it provides clarification to some of the questions that were raised this evening. Lastly, referred to the petition that was filed last minute against General Ordinance No. 2183 and stated that it contained a list of names, totaling approximately 84 households, which represents a very small percentage of the households in Westfield, but the petition did not specify the objections to the ordinance.

Councilman LoGrippe asked if Councilwoman Habgood would be pursuing historic designation of her home.

Councilwoman Habgood explained that her house was built in 1895 but believes her home would not be eligible for historic designation due to the exterior renovations made by the previous owner. With that being said, feels it would be a "crime" if her house were torn down because the interior still contains materials that date back to the time that it was built, such as the original parquet flooring, newel posts and molding.

Councilman LoGrippe feels Councilwoman Habgood's home would be a good candidate for designation based on the materials she described.

Councilwoman Habgood explained that the historic preservation ordinance pertains to the preservation of the exterior of homes, not the interior.

Councilman LoGrippto believes Councilwoman Habgood’s home might qualify due to the year it was built and because most older homes have gone through significant structural changes.

Mayor Brindle referred to Julie Diddell’s comments and mentioned that Ms. Diddell lives in the old Addams Family house on Elm Street, which is one of the most iconic homes in the community. Expressed her gratitude to Ms. Diddell for speaking in support of the ordinance.

Mayor Brindle also discussed her platform when she ran for Mayor and the constant complaints she heard by residents with respect to the demolition of older homes that had accelerated over the past 5 to 10 years. Feels if something was not done to address this issue, Westfield would quickly lose its character. Feels Westfield is an amazing historic town and feels many people choose to live in Westfield for that reason. While the governing body has heard a lot of argument from residents concerning individual property rights, she feels she personally has an obligation to be a long-term steward of the character and architecture of the community. For this reason, she does believe she has the benefit of considering how this ordinance would impact her but must consider the greater good and long-term sustainability of the Town. Stated that she has heard all of the concerns expressed by residents and believes that in time people’s biggest fears of this ordinance would not be realized. In addition, believes that people would ultimately feel that this ordinance is a remarkable benefit for future generations. Stated that she is proud of this ordinance and is proud to support it and is grateful for the courage that many councilmembers have demonstrated by supporting it. Also feels that the Town Council has listened to residents’ concerns and humbly accommodated those concerns through the amendments to the ordinance that were recently made.

Yeas: Habgood Parmelee Katz Mackey Contract Dardia Mayor Brindle	Nays: LoGrippto	Absent:	Recusal: Boyes
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An ordinance entitled, “GENERAL ORDINANCE NO. 2186 - AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD AS IT RELATES TO PODS.” by Councilwoman Mackey, seconded by Councilman Katz was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood Parmelee LoGrippto Katz Mackey Contract Dardia Boyes Mayor Brindle	Nays: None	Absent: None
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An ordinance entitled, “GENERAL ORDINANCE NO. 2187 - AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD BY DEFINING PET CARE FACILITIES AND ESTABLISHING THEM AS A PERMITTED PRINCIPAL USE IN CERTAIN ZONE DISTRICTS.” by Councilwoman Mackey, seconded by Councilman Contract was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippto
Katz
Mackey
Contract
Dardia
Boyes
Mayor Brindle

Nays: None

Absent: None

An ordinance entitled, “GENERAL ORDINANCE NO. 2188 - AN ORDINANCE TO AMEND ARTICLE IA “DEMOLITIONS” OF CHAPTER 8 OF THE TOWN CODE OF WESTFIELD.” by Councilwoman Mackey, seconded by Councilman Katz, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippto
Katz
Mackeyw
Contract
Dardia
Boyes
Mayor Brindle

Nays: LoGrippto

Absent: None

BIDS

TOWN OF WESTFIELD

INVITATION TO BID

WEDNESDAY, SEPTEMBER 2, 2020

2020 COLLECTION OF LEAVES

<u>Bidder</u>	<u>Amount of Bid</u>
Jesco, Inc.	Part A – N/A
118 St. Nicholas Avenue	Part B – 5 / \$63.00
South Plainfield, NJ 07080	Alt -
Elite Trucking & Rigging	Part A – 2 / \$83.00
P.O. Box 948	Part B – N/A
Hopatcong, NJ 07843	Alt – 4 / \$83.00
Camarato	Part A – 1 / \$89.95
15 Greensview Drive	Part B – N/A
Scotch Plains, NJ 07076	Alt – 6 / \$85.00
Ameritico Disposal Inc.	Part A – 4 / \$84.50
2295 South Ave	Part B – N/A
Scotch Plains, NJ 07076	Alt – 2 / \$80.00
Galbraith	Part A – 2 / \$84.50
831 Raritan Road	Part B – N/A
Scotch Plains, NJ 07076	Alt – 2 / \$79.99

**TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, September 2, 2020
2020 Improvement of Scotch Plains Avenue**

<u>Bidder</u>	<u>Amount of Bid</u>
S & L Contractors, LLC	\$331,937.00
200 Swenson Drive	
Kenilworth, NJ 07033	
Top Line	\$314,396.08
22 Fifth Street	
Somerville, NJ 08876	
Black Rock Enterprises LLC	\$380,556.25
1316 Englishtown Road	
Old Bridge, NJ 08857	
Stilo Excavation	\$322,554.00
2907 South Clinton Avenue	
South Plainfield, NJ 07080	
YW Construction	\$353,715.45
404 Coit Street	
Irvington, NJ 07111	
American Asphalt & Milling Services LLC	\$309,228.45
96 Midland Avenue	
Kearny, NJ 07032	
Fischer Contracting	\$284,745.00
10 Short Hills Court	
Scotch Plains, NJ 07076	
DLS Contracting, Inc.	\$330,780.00
36 Montesano Road	
Fairfield, NJ 07004	
Z Brothers Concrete Contractors, Inc.	\$367,699.00
304 Jernee Mill Road	
Sayreville, NJ 08872	
Schifano	\$336,557.00
1 Smalley Avenue	
Middlesex, NJ 08846	
ADG Contracting Corp.	\$403,775.00
386 South Street, Suite 169	
Newark, NJ 07105	

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Regular Meeting held August 11, 2020.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comment portion of the meeting and asked if there were any questions or comments.

Michael Blancato, 18 Carol Road, stated that he is disappointed that the historic preservation ordinance was adopted. Referenced comments by Councilman Parmelee and the Town Attorney and stated that General Ordinance No. 2183 is much more of an overreach than Montclair's historic preservation ordinance. Also stated that while this ordinance is "behind us" it would be brought up again during next year's election cycle. Addressed Councilman Parmelee and stated that he was "never against" Mayor Brindle but opposed General Ordinance No. 2183 based upon its "foundation". Stated that if Councilman Parmelee's comments were directed toward him, he takes it personally.

Mayor Brindle reminded Mr. Blancato that she announced at the beginning of the meeting that residents would only be permitted to speak once on a particular topic.. Invited Mr. Blancato to comment on another topic.

Mr. Blancato feels the Town should focus its efforts on Downtown Westfield in the next coming months, such as the potential installation of pergolas and snow removal methods if outdoor dining is still necessary.

Jeff Scheininger, 993 Woodmere Drive, thanked the Mayor and Town Council for their service to Westfield. Stated that he opposes the proposal for mountain bike trails in Brightwood Park. He is a member of the Brightwood community and attended both "council-sponsored, Jersey Off Road Bicycling Association (JORBA) run" information sessions in the park. Stated that he is confident that mountain biking trails would ruin the nature park that generations of Westfield elected officials worked hard to pass down. Informed the Town Council that there are currently 1,887 people that have registered their opposition to mountain biking at Brightwood online. Stated that voters petitioning their government for redress is basic to the constitution and is the kind of engagement that politicians ignore at their peril. In addition to the concerns that the park and its wetlands would be permanently ruined, reminded councilmembers that the deeds that transferred this property to the Town forbade this type of development. By accepting the land, the Town is bound by the terms of the deed. Stated that in 1992 and 1993, the Town Engineer, Recreation Commission members, Town Councilmembers and Mayor were all aware of the deed restrictions placed on this property. Feels it is incumbent on this governing body to conduct due diligence pertaining to wetlands and natural habitats and hopes that mountain bike trails in this park would be rejected. Feels it is clear from tonight's activities that governing body sees themselves as stewards of the Town's historic homes and feels that includes being stewards of the Town's nature park. Believes future generations would laud them for it.

Denise Ricci, 7 Trails End Court, feels it is ironic that the presentation on Brightwood Park occurred the same day that the historic preservation ordinance was heard. Discussed those who wish to preserve Westfield's history but feels there appears to be a rush to develop a mountain bike course in a nature reserve. Referred to Councilman Parmelee's comments and stated that she supported both Mayor Brindle and Councilwoman Habgood during their campaign and is not someone who has disagreed with everything the democrats have done. Explained that mountain bike trails differ from other bike trails and discussed the recommended standards for mountain bike trails, which is basically a width of 2-3 feet, while a touring bike trail requires a 3-6 foot width. According to DEP regulations, if a multi-use trail is installed, it could be 6 feet wide. If a trail is only 2-3 feet wide, and there is a mountain bike on that course, it would be dangerous for a pedestrian to be on that same trail. As such, feels it is inaccurate to consider these trails multi-use. Expressed concern with the process because the Recreation Commission is considering a proposal with no feasibility study. Discussed potential wetland and transition areas in the park, but JORBA has prepared a proposal which includes a bike trail 2 miles long. Also referenced the survey conducted as part of the Recreation and Parks Master Plan which indicated that 70% of residents want more hiking trails and nature preserves, while only 18% want a mountain bike course. Stated that JORBA is a special interest group and the Town is considering providing 80% of trail space to only 18% of the population. Expressed concern that the governing body paid for a study to be conducted but are "throwing out" the results of the survey. Feels the Town is ceding lands to a public interest group. Also stated that she cannot understand how the Town Council and Recreation Commission cannot see the environmental impact a mountain bike trail would have on the park. Feels a study should be conducted before considering a proposal that could irreparably harm the park. In addition, feels invasive species would be introduced to the

park where currently none exist because seeds would be disbursed by the bicycles. Feels the ecological consequences to the installation of a mountain bike course need to be investigated.

Sherry Hines, 28 Stoneleigh Park, referenced Kelly Kessler's comments and stated that she does not appreciate being maligned in a public forum when what was said is untrue. Explained that she has not changed her mind about historic preservation and believes property owners should preserve their homes if they so choose but is opposed to designation without the homeowner's consent. Discussed her involvement in the designation of Stoneleigh Park as a historic district.

Mayor Brindle reminded Ms. Hines that she already commented on General Ordinance No. 2183 and welcomed her to speak on another topic.

Ms. Hines discussed the resolution authorizing the designation of the entire Town as an area in need of rehabilitation. Stated that she does not understand why the entire Town would need to be rehabilitated and looks forward to the reasoning for the designation, other than a tax abatement.

Vickie Williams, 110 Hamilton Avenue, stated that she is an artist and a retired preschool teacher and has been a resident of Westfield for 28 years. Discussed the history of Brightwood Park, stating that the park was dedicated in the name of Noel Taylor in 1993 who had conducted a considerable number of studies in the park, including studies of its geology and its various ecosystems. Also stated that it was dedicated as a place of quiet serenity where many small mammals and birds can be found. Stated that she has seen a lot of deforestation on Prospect Street and feels there needs to be a place for animals to go, including animals that are part of the food chain. Feels Westfield wisely set aside this land to be undisturbed for habitats for these animals, which includes a walking trail that is also used by bicyclists. Feels the park is a place for people to encounter nature and believes the proposed construction of a mountain bike trail is ill-conceived. Explained that it is not a multi-use trail if it is only 2-3 feet wide and that JORBA has somehow become a stakeholder in this development. Feels this is Westfield's property, not JORBA's property. Discussed a study that identifies different ways parks could be developed and discussed the required bike trail widths. Explained that the tread level requires a width of 2-3 feet, but the shoulder level is significantly wider, 6-8 feet, because bicyclists need space to turn corners. Also stated that the goal of mountain biking is to go through a challenging course at high speeds. Feels that once this course is constructed, animal populations would not thrive because speeding bikes would constantly be cutting through their habitat. Also feels ecosystems would perish in a place designed to protect them. In addition, stated that the mountain bike course could be seen from the trail that currently exists around the pond. Feels the Town needs to seriously consider this proposal because once it is developed, the natural park would be lost. Also feels that JORBA should not be a stakeholder in the development of this park.

Drew Kellerman, 800 Forest Avenue, stated that she uses Brightwood Park 2-3 times per week during popular hours of the day and sees very few people in the park. For this reason, she questions why hundreds of people now seem to be interested in the welfare of Brightwood Park. Explained that she would like to see people utilizing the park while keeping it "friendly" to nature. Stated that many invasive species currently exist in the park. It is overgrown and has not been maintained. Also stated that she used to be an avid mountain biker and is accustomed to biking on narrow trails and does not understand why the shoulder width mentioned by the previous speaker would be necessary. Referenced comments pertaining to JORBA being a special interest group and explained that JORBA is committed to maintaining the areas that its bikers use and feels that is not a "bad thing". Stated that it is her understanding that trails already exist and would not advocate for the installation of trails otherwise. Overall, supports more people being able to enjoy the nature reserve as it was intended and does not believe mountain bikers would interfere with that.

Allen Swanson, resident of New Providence and Conservation Chairman of the Union County Sierra Club Loantaka Group. Informed the Town Council that the issue of Brightwood Park was referred to him for an opinion and that earlier this evening the Executive Board of the Loantaka Group met and were unanimously opposed to the use of this park for a mountain bike course. Discussed research he conducted on JORBA parks and stated that 16 of the 18 parks had adequate data to review. Explained that the acreage of these parks ranged from 34,000 to 590,000 and the average number of acres per mile of any path, not just bike paths, was 280 acres per mile of path. Feels the notion of installing a 1-2 mile bike path in a 44-acre park that is currently considered a nature park is "absurd", given the figures that JORBA has provided on its website.

Dhillon Patel, 101 Surrey Lane, thanked councilmembers Katz and Contract for their involvement with the painting of the tennis wall at Tamaques Park. Also thanked Councilwoman Mackey for her efforts in connection with the improvement of the pavilion and picnic area.

Greg Kasko, 434 Everson Place, discussed improvements to Tamaques Park and questioned why a councilwoman would be tasked with something he feels the Department of Public Works should handle.

Mr. Kasko also discussed his attendance at council meetings since 2010. Stated that in 2011-2013, he advocated on behalf of a resident who lives on Central Avenue with respect to the installation of a hawk light in front of her home. Explained that Town Council members were asked at that time how they would feel if that type of light was installed in front of their home and none answered. Feels it is hypocritical for a sitting councilman to ask other councilmembers if they would pursue historic designation of their homes. Also feels councilmembers do not owe anyone an answer to that question. In addition, stated that very few residents participated in council meetings, but over the past few years the attendance at meetings has grown. Stated that he disagrees with those who feel the vote on ordinances should be postponed until in-person meetings could be held. Also stated that government must continue to operate and believes Zoom meetings and the like are the “way of the future” under the current circumstances. Feels fortunate that residents were able to join the meeting and raise their hand to comment. Stated that these are unprecedented times and if votes must continue to be taken via Zoom, then that is the way it must be because government operations cannot stall. Schools, restaurants and other businesses have adapted to the circumstances and government must adapt too.

Phil Round, 240 West Dudley Avenue, stated that he agrees with many of the speakers who are opposed to mountain bike trails at Brightwood Park. Discussed the survey that was conducted as part of the Master Plan for the Town’s parks and is perplexed that the Town would be considering bike trails at Brightwood Park when the survey results indicated that the majority of residents would like more hiking trails and nature watching. Also requested clarification as to how the Town plans to support the demand for more hiking trails and why a bike trail proposal is being considered when a bike trail would detract from the priority of more hiking trails and nature watching. Stated that the goals of mountain biking are the complete opposite of the goals of hikers, walkers and joggers. Referenced comments by previous speakers that the park is underutilized and stated that there are a tremendous number of people that utilize Brightwood Park. Stated that many illegal mountain bike trails have been created in Brightwood Park and many were also illegally created in the Watchung Reservation after Union County denied JORBA’s proposal to install trails in the reservation. Discussed JORBA’s offer to close down the illegal trails and install new ones and questioned whether these illegal trails would actually be removed and how the new trails would be installed. Stated that the speed of mountain bikers and the way that they damage the environment is totally incompatible with the goal of hikers and joggers which currently use Brightwood Park.

Mr. Round also discussed the information sessions organized by Councilwoman Habgood and feels that JORBA seemed to take over the sessions. JORBA also seemed to control the tour of the park to include only the areas they wanted people to see. Stated that he compiled a list of 23 questions and has not yet received a reply. Also stated that he is also interested in questions submitted by other residents and if those questions have been answered. Feels current councilmembers should recuse themselves from consideration of this proposal if they are mountain bikers or JORBA members. Further, asked if the Town is considering JORBA’s proposal because there is no cost involved, and if so, believes this should be carefully considered because many hikers would lose the ability to peacefully use Brightwood Park, which he feels would be a big loss to the Town’s character and quality. Also discussed the history of Brightwood Park and suggested it be considered for historic preservation. Lastly, mentioned that Union County prohibits mountain biking in all of its parks and questioned why the Town would consider mountain biking in a small, unique park such as Brightwood Park.

Murray Topilow, 355 Orenda Circle, stated that he enjoys riding his bike and rides in Brightwood often. Discussed JORBA and explained that the reason it is beneficial for JORBA to build the trails is because they know how to build them correctly without ruining the land. They also know how to correctly install drainage if wetlands exist. Discussed a mountain bike park he visited over the weekend and stated that there were more hikers than bikers and the interaction between all was positive. Another reason he likes to ride is to enjoy nature and explained that trees are not removed when mountain bike trails are installed because trees are typically used as features for the trails. Also stated that many hikers cheer for bikers when they reach the top of

the trail. Explained that biking is currently permitted in Brightwood Park and the installation of trails would make the biking there more challenging. Lastly, discussed the width of the proposed trails as it pertains to both hikers and bikers and the need for bikers to yield to hikers when sharing the trails.

Councilman Contract thanked Mr. Topilow for his involvement with the “Caught Wearing your Helmet” program and for his videos on bike safety.

Kate Brown, 41 Sunnywood Drive, commended Mr. Topilow for his comments and while she feels he is a safe biker, a website exists where Westfield children post their fastest times biking on the illegal trails in Brightwood Park, which average 10-17 miles per hour. Also discussed the required trail widths and feels Brightwood Park is not big enough to accommodate a bike trail. In addition, discussed the liability associated with mountain biking and stated that the liability would be the Town’s responsibility, not JORBA’s. Discussed statistics concerning the number of bicycle injuries, including pedestrians injured by bicyclists. Stated that one of the reasons Union County denied JORBA’s proposal for bike trails in the Watchung Reservation was the liability. Also discussed wrongful death suits filed against Montclair and Cedar Ridge involving an individual who died on a mountain bike trail. Discussed the need for the Town to obtain liability insurance for this trail, which would be at a cost to taxpayer. In addition, there would be a need for the enforcement of helmet laws. Asked the Town not to rush through its consideration of this proposal. Feels the optics are horrible, as it appears that JORBA invited itself to a Recreation Commission meeting to present a proposal and obtained the Recreation Commission’s approval without input from anyone else. Feels the Town is creating the perception that it “sold out” to get a free park. Urged the Town to obtain input from the Sierra Club as well as from residents with knowledge of the history of the park and how much the park means to the African American community.

Robert Lombard, 26 Seneca Place, stated that he has been a Westfield resident for 40 years and lives 4 blocks from Brightwood Park, which he uses frequently. Stated that Brightwood Park was conceived as a natural, passive park, and discussed the book written by Noel Taylor, a teacher at Westfield High School. Feels it is through Noel Taylor’s vision and the vision of Westfield’s municipal leaders for the past 50 years that makes Brightwood Park so special. Discussed the 300th Anniversary of Westfield and the Town’s efforts regarding historic preservation and asked the Town to embrace the history and legacy of Brightwood Park. Stated that he learned of the proposal to install mountain bike trails in Brightwood Park in February of this year and also attended the parks’ Master Plan presentation to the Town Council. In addition, he learned of the Recreation Commission’s decision to entertain a proposal from JORBA to transform 1.1 miles of nature trails, which were constructed by a grant from the New Jersey Department of Environmental Protection in 2004. Discussed the provisions of the grant funding, which required matching funds from the Town, and stated that it specifically references its purpose as the “Brightwood Park Nature Trail”. It is these same trails that JORBA has proposed to convert to a 2-mile mountain bike trail. In addition, Mr. Lombard stated that he also attended the information sessions held at Brightwood Park in August and his concerns were elevated after listening to the representatives of JORBA discuss the construction of multi-use trails. Expressed concern with the ability of walkers and bikers to share trails 2-3 feet wide. In closing, explained that he is not opposed to mountain biking but does not feel the nature trails of Brightwood Park should be sacrificed to meet mountain biking needs.

Suzanne Pinto, 1320 Prospect Street, thanked the governing body for providing residents with the opportunity to share their thoughts and ideas. Implored the Town Council to do its due diligence and when considering the proposal for mountain bike trails at Brightwood Park. Feels once Brightwood is “gone”, it will be “gone”. Referenced Councilman Parmelee’s comments with respect to historical preservation and Mayor Brindle’s comments concerning Westfield’s history. Feels these comments are confusing since the Town is considering destroying a historical natural reserve in Town. Expressed concern that the current governing body is willing to go against a decision that was “mindfully” considered by previous elected officials to celebrate Noel Taylor’s mission to bring “nature and man together”. Stated that she and her husband were walking through Brightwood Park recently on the Fanwood Avenue side and encountered a fox in the path. The fox was entering the area that JORBA has proposed for mountain bike trails. Feels this animal as well as many other animals, plants and fauna will no longer exist if the bike trails are installed. Referred to a previous speaker’s comments as to the new bike trails being installed over existing trails and stated that that is inaccurate, according to the map and according to JORBA. Feels the mountain bike course would impose on the nature

preserved land. Also feels that Brightwood is not an underutilized park and needs attention, but that attention should be focused on preserving its natural state. Feels Brightwood Park is a historical incentive and speaks to the character of Westfield.

Councilwoman Habgood addressed some of the residents' comments concerning Brightwood Park. Referenced Brad Rothenberg's comments at the beginning of the meeting in which he discussed a variety of initiatives concerning Westfield's parks. Feels it is important for all to understand the purpose of the information sessions which she suggested be held to ensure the public was aware of plans being considered for all of the Town's parks. Stated that she has been heavily criticized because JORBA was invited to those sessions. Explained that the Town is considering the recommendations included in the Parks and Recreation Strategic Plan. This plan was prepared by an expert to review all of the Town's parks and recommend a Master Plan for them. One of the recommendations that was prioritized by the Recreation Commission was bike trails at Brightwood Park. JORBA offered its opinion as to what those trails would look like and how it would work, at no cost to the Town. Assured residents that the Town is "not in the pocket" of a special interest group that plans to take over the park. If any project is done at Brightwood Park, it would continue to be managed by the Town. Discussed the status of this proposal and stated that the Town is in the process of preparing an application to submit to the New Jersey Department of Environmental Protection (NJDEP) to request a Letter of Interpretation concerning Brightwood Park. Explained that she is uncertain as to when the Town would receive a reply from NJDEP. In addition, the Town has also contacted New Jersey Green Acres with respect to the park and the Town's insurance fund to inquire about liability insurance. Explained that an FAQ document would be prepared concerning this proposal and would be made available on the Town's website. Feels accusatory comments about councilmembers is unfair because they are only reviewing ideas presented by consultants, which would made available to the public for input. Assured residents that no decisions have been made concerning this proposal. Input is still being sought by New Jersey agencies in an effort to achieve what was recommended to the Town through the Parks and Recreation Strategic Plan. Lastly, feels this process has been beneficial because it has resulted in an increased awareness of Brightwood Park and its history. It also resulted in the formation of the "Friends of Brightwood" group which has encouraged residents to volunteer to do work in the park. Invited residents to join in the cleanup effort of Brightwood Park and welcomed ideas on how to address the invasive species that currently exist there. Explained that the Town is attempting to make the park better.

Councilman Katz provided clarification concerning the trails and explained that multi-use trails are proposed because they would be used for both biking and hiking, and that bikers would be required to yield to hikers in the trails. Stated that he likes to mountain bike but is not an expert. Also enjoys playing football, basketball and baseball and feels that he should not have to recuse himself from consideration of proposals related to these sports just because he enjoys them. Feels Brightwood Park is underutilized and that more people should visit it. Explained that the proposal for mountain bike trails includes no structures. Dirt would be moved to make the trails safer for the bikers, as opposed to the existing rogue trails that are less safe. Overall, explained that the idea is to "shape the earth" to make it safer for kids to ride.

Councilman Contract stated that the Green Team is sponsoring a Brightwood Park cleanup on October 11, 2020 and encouraged residents to participate. In addition, the Green Team has contacted ecology experts concerning the forest in Brightwood Park and would be presenting its findings to the Recreation Commission. Also hopes that something could be done to address the deer and explained that the invasive species issue that currently exists in the park is directly related to the overpopulation of deer. Feels the Town needs to continue to take steps to mitigate that, through the deer management program that began last year, as well as through some potential capital improvements.

Councilman LoGrippe stated that several Green Team members have informed him that they are opposed to the development of the park and feel their "voices are not being heard".

Councilman Contract stated that he does not feel Councilman LoGrippe's statement is accurate but thanked him for sharing.

Councilman Dardia referred to Councilman LoGrippe's comment and stated that the Green Team has been very involved with this issue. Feels their input is vital to any recommendation for the parks. Also stated that he and Councilman LoGrippe were members of the steering committee for the Parks and Recreation Strategic Plan and approved all of the recommendations presented in the plan.

Councilman LoGrippo stated that the steering committee listened to the recommendations, but nothing was approved.

Mayor Brindle feels there would be much more opportunity for discussion concerning Brightwood Park. Also feels everyone is operating with the same objective, which is to save and preserve Brightwood Park. The disagreement that is occurring involves how the Town should go about doing that. Stated that she is thrilled that the Friends of Brightwood group has been established and is also thrilled that people are paying attention to the park. Also mentioned that she has obtained all newspaper articles written about Brightwood Park back to 1961 and has a copy of Noel Taylor’s book. Explained that Brightwood Park did not start with Noel Taylor but started in 1961 with the dislocation of African American families in a neighborhood called the “Big Woods”. She has asked someone to research what happened to those families. Also mentioned that when the Town purchased the property, half was designated for recreational use. As such, believes the notion that the park was always designated as a passive park is not true. Feels the true history of the park is not “great” and that the Town has an obligation to the families that were dislocated to formally recognize their contributions to the Town and the park. Feels this is the conversation that needs to be held. Discussed a cleanup of Brightwood Park that she was involved in which resulted in the removal of many bags of garbage. Feels it is horrific that the park has been neglected to the point where invasive species are so bad that it would cost millions of dollars to get it back to what Noel Taylor envisioned for the park. Referred to a statement by the Town’s consultant who prepared the Parks and Recreation Strategic Plan, “a well-used park is a well-maintained park”. Explained that this statement resonated with her and she feels there is a lack of accountability of behavior when there are not enough people using a park. Feels everyone collectively wants the same thing, which is to preserve the park, but are disagreeing on the best way to go about it. Feels once all information is received from NJDEP, a real conversation could be held based upon the facts.

Hearing no further comments, Mayor Brindle closed this portion of the meeting.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman Contract, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$913,968.62 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee.

The following resolutions, introduced by Councilwoman Habgood, and seconded by Councilman Contract, were unanimously adopted with Councilman LoGrippo voting against Resolution No. 195.

Resolution No. 184

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

QTrade Management 240-244 North Avenue Westfield, NJ 07090	Lot 8	#20080137	\$250.00
QTrade Management 240-244 North Avenue Westfield, NJ 07090	Lot 8	#20080138	\$250.00
QTrade Management 240-244 North Avenue Westfield, NJ 07090	Lot 8	#20080134	\$250.00

Michael Rohwetter Lot 3 #20030319 \$290.00
226 Golf Edge Road
Westfield, NJ 07090

Resolution No. 185

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$45.00 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of August 2020.

Resolution No. 186

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Competitive Aluminum
3 Jacqueline Court
Edison, NJ 08820

Amount of refund: \$975.00

Resolution No. 187

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

Name	Account	Class	Fee
Sheila Fichtner 636 Norwood Dr Westfield, NJ 07090	#195 Membership Refund 0-03-55-920-202	Pool Membership 2020 Resident/Family 4 or less Sheila Fichtner Family	\$420.00
Tiffany Raina 15 Sagamore Drive North Caldwell, NJ 07006	#195 Membership Refund 0-03-55-920-202	Pool Membership 2020 Change in Membership Tiffany Raina Family	\$193.00

Resolution No. 188

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

Block/Lot/Qualifier	Quarter/Year
Name	Property Address
101/3.09	22 Trails End Court
Kardias, William & Helen	
	3 rd /2020
	\$6,546.50

Resolution No. 189

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2019 pursuant to the Tax Court of New Jersey:

Block/Lot	Year	Amount
Name	Address	
5117/7	36 Mohawk Trail	2019

Resolution No. 190

WHEREAS, Dianne Schaupp, 955 Summit Avenue Westfield, NJ made an application for a permit through a contractor for a standby generator at 955 Summit Avenue Westfield, NJ, on June 23, 2020,

WHEREAS, the building department calculated a fee of \$355 for the permit, the fee was paid by Dianne Schaupp on July 13, 2020 with check number 4660, and the permit was issued,

WHEREAS, subsequent to the issuance of the permit it was determined that the natural gas supply to the property was inadequate and would require an upgrade. With the additional expense for the upgrade Dianne Schaupp has decided to not move forward with this work,

WHEREAS, Dianne Schaupp has requested a refund of the permit fee, and is entitled to a refund of \$284 which represents the inspection portion (80%) of the permit fee, the plan review portion (20%) of the permit fee is retained by the municipality for the service performed in reviewing the application,

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$284.00 payable to Dianne Schaupp.

Resolution No. 191

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$4,755.40, which is now available from the Federal Bullet Proof Vest Partnership Program; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Federal Bullet Proof Vest Partnership Program	\$4,755.40

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 192

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for tree plantings in Union County municipalities under its Greening Union County initiative; and

WHEREAS, the Town of Westfield desires to participate in the 2020 Greening Union County program; and

WHEREAS, matching funds in the amount of \$20,800.00 will be certified by the Chief Financial Officer to be charged to account no. 20-01-137-255.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Greening Union County” grant in the amount of \$20,800.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

Resolution No. 193

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for Edison School Field Master Plan, various Recreation Equipment for Tamaques Park and an ADA study for all municipal parks the Town of Westfield; and

WHEREAS, matching funds in the amount of \$52,500.00 will be certified by the Chief Financial Officer to be charged to account #T-05-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Kids Recreation Trust Fund” grant in the amount of \$52,500.00

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

Resolution No. 194

WHEREAS, a need exists for the purchase and installation of playground equipment for Sycamore Park; and

WHEREAS, at a meeting held August 11, 2020, the Town Council of the Town of Westfield adopted Resolution No. 172-2020 authorizing an award of contract to Ben Shaffer Recreation Inc. for the aforementioned product and services in the amount of \$66,388.02; and

WHEREAS, the Westfield Recreation Commission has recommended that the playground equipment originally ordered through Ben Shaffer Recreation Inc. be amended to replace and add a unit that includes additional features; and

WHEREAS, Ben Shaffer Recreation Inc. has indicated that the cost for the playground unit recommended by the Westfield Recreation Commission would be a difference of \$23,263.46 for a total cost of \$89,651.48; and

WHEREAS, Ben Shaffer Recreation Inc. is authorized to offer playground systems, installation, service and related items through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

WHEREAS, this equipment would be sufficient to meet the needs of the Town of Westfield; and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through a Cooperative Purchasing Agreement be authorized by resolution of the governing body; and

WHEREAS, the Town of Westfield applied for and was awarded funds for this project through the Union County Open Space, Recreation and Historic Preservation Trust Fund, Kids Recreation Trust Grant in the amount of \$30,000 to offset the total cost; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of \$59,651.48 to be charged to the Park Improvement Trust Fund (T-05-600-076) and \$30,000.00 to be charged to Kids Recreation Trust Fund Grant (0-01-55-900-232) under PO #20-02472 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby authorizes an amendment to the award of contract to Ben Shaffer Recreation for the purchase and installation of playground equipment for Sycamore Park through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Resolution No. 195

WHEREAS, the Town of Westfield requires Crossing Guard Services for the Westfield Police Department for term beginning July 1, 2020 and ending June 30, 2021; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii), N.J.S.A. 18A:18A-5(a)(2), and N.J.A.C. 5:34-2.1, et seq. permit contracting units to award contracts without competitive bidding for extraordinary unspecifiable services; and

WHEREAS, the services required involves expertise, training, and proven reputation, especially during a global pandemic such as the one presented by COVID-19; and

WHEREAS, All City Management Services, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, CA 90670 has offered to perform the services required for in an amount not expected to exceed \$530,000; and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, of which will be \$215,000 charged to Account 0-01-132-111, with the balance charged to the account in the 2021 operating budget, and said certification has been prepared in accordance with N.J.A.C. 5:30 1.10, under Purchase Order 20-02959.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that a contract for Crossing Guard Services for the Westfield Police Department be and hereby is awarded to All City Management Services at a cost not expected to exceed \$530,000, of which \$215,000 is to be charged to the 2020 operating budget with the remaining balance of \$315,000 subject to the availability of funds in the 2021 operating budget; and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and hereby are, authorized to take whatever actions are appropriate in the execution of discharge of this Contract.

Resolution No. 196

WHEREAS, the Town of Westfield has maintained Change Funds at various locations, which allows for departments to make change for those residents who pay cash for taxes, permits, pool admission fees, Police Department reports and other fees; and

WHEREAS, the Chief Financial Officer has reviewed these Funds with each Department Head and has determined that efficiencies can be reached by changing the number and sources of Change Funds; and

WHEREAS, Change Funds were last amended by resolution 177-2018 at the July 10, 2018 meeting of the Westfield Town Council, and since that time, the Records Department has requested adding a minimal amount for their department and the Tax Collector’s office has requested an increase in the amount of change they keep on hand for those residents and customers who may pay by cash.

NOW, THEREFORE BE IT RESOLVED that the Schedule of Change Funds be amended as follows:

<u>Department</u>	<u>Original Amount</u>	<u>Revised Amount</u>
Records (Police)	-	<u>\$30</u>
Tax Collector	\$100	<u>\$200</u>
Total, all Departments:	\$1,120	<u>\$1,250</u>

Resolution No. 197

WHEREAS, on March 22, 2018, the Town of Westfield adopted Resolution 123-2018 Establishing Policies and Procedures for the use of Procurement Cards, and Resolution 124-2018 Authorizing the use of a Procurement Card Program, and

WHEREAS, the Administrator and Chief Financial Officer have determined that an increase in the company credit limit as well as the individual credit limit is warranted.

NOW, THERFORE BE IT RESOLVED that Section II of the Procurement Card PILOT Program Policy & Procedures be amended as follows:

“Limits on cards will be established by amount, time and category of usage permissible with a transaction limit not to exceed ~~\$1,000~~ \$5,000 per month during the PILOT.”

BE IT FURTHER RESOLVED that the total credit limit for the Town of Westfield be increased from \$3,000.00 to \$15,000.00.

The following resolution, introduced by Councilwoman Habgood, seconded by Councilman Parmelee was adopted by the following roll call vote:

Town Council comments:

Councilman LoGrippo stated that he voted against the resolution to award a contract for crossing guard management services because a crossing guard contacted him and expressed concerns with

the program, specifically assigned posts. Asked the Town Administrator to provide a status update with respect to the program.

The Town Administrator discussed the need to restructure the crossing guard program with respect to recruitment and retention due to the change in the school schedule as a result of the pandemic. Explained that this school year is unlike any other and due to the uncertainty, he is not surprised that some crossing guards might not want to return. The Town expects its management consultant to have posts manned on the first day of school, which is September 10, and some were manned today, which was the first day for Holy Trinity School. Feels this contract is good for the Town because the Police Department was not able to manage the crossing guard program as it took time away from them being able to perform their regular police services. Explained that it is important for this program to be successful, not only for the Police Department, but for the long-term health of the crossing guard program.

Councilman LoGrippo asked if the number of posts would be reduced.

The Town Administrator explained that there are some post reductions, as was discussed by the Finance Policy Committee earlier this year. In addition, there are some post reassignments and schedule changes because of the school schedule. Reminded all that because of the way the contract is structured, the Town was not required to pay the vendor when school closed in March because of the pandemic.

Mayor Brindle asked Councilman LoGrippo what he would propose as an alternative to hiring an outside vendor for crossing guard management services.

Councilman LoGrippo stated that for many years there was no issue with staffing crossing guards and feels because of the pandemic there might be many people interested in the position. Also believes the Police Department continued to fill posts last year because the vendor was unable to staff all of them. The crossing guard who contacted him today complained of a lack of communication by the vendor. Overall, stated that he does not feel the vendor fulfilled its obligation.

The Police Chief feels the program is being managed better than it has ever been managed. Explained that the Police Department simply does not have the time or the manpower to devote to the program and it was taking away from its officers' ability to perform more vital police responsibilities. While it took until January/February for all posts to be fully staffed, feels the vendor fulfilled all requirements of the program.

Councilwoman Habgood explained that from a financial perspective the program has been advantageous because of the way the contract has been structured. Explained that a full financial analysis was conducted before an outside vendor was considered. When schools closed in March, the Town realized \$175,000 in savings because it was not required to pay the vendor. Also addressed Councilman LoGrippo's comment concerning those who would be interested in a crossing guard position and stated that applicants are welcomed.

Councilman LoGrippo feels there has been too much emphasis on cost savings rather than children's safety and stated that one crossing guard reported to his post with a lounge chair and table each day.

Mayor Brindle stated that while she appreciates Councilman LoGrippo's concern, the Town must rely on the judgement of its professional staff, such as the Police Chief and the Town Administrator.

The Town Administrator stated that he expects more comments from crossing guards and the public because this is an unprecedented school year. There are less children going to school at one time and feels the vendor is the best equipped to manage the program at this time. In addition, crossing guards have received more benefits since outsourcing the program, such as an increase in hourly rates and paid sick days. While some do not like change, the goal is to keep the program operating to ensure that there are crossing guards available at the most critical locations.

Resolution No. 198

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Town Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Town Council of the Town of Westfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Yeas: Habgood	Nays: None	Absent: None
Parmelee		
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Comments re: Resolution 198:

The Town Administrator thanked the Chief Financial Officer and all department heads for their efforts with the annual audit. Explained that a “clean” audit does not happen by accident and indicates that the financial management of the Town is going very well.

Mayor Brindle also commended the Chief Financial Officer, as well as the Town Administrator, for their efforts with the annual audit.

Public Safety, Transportation and Parking Committee

The following resolution, introduced by Councilman Dardia, and seconded by Councilman Katz, was unanimously adopted.

Resolution No. 199

WHEREAS, the Town of Westfield has undertaken the development of a bicycle and pedestrian plan as part of the New Jersey Department of Transportation’s Local Bicycle/Pedestrian

Planning Assistance Program, which seeks to foster the development of non-motorized transportation modes in accordance with statewide goals and local needs; and

WHEREAS, in March 2019, NJDOT awarded a planning grant through the Local Bicycle/Pedestrian Planning Assistance Program to Westfield; and

WHEREAS, the project team completed a comprehensive, town-wide assessment of existing conditions related to walking and biking in Westfield; and

WHEREAS, this analysis, combined with community and stakeholder input, led to the development of the Westfield Bicycle and Pedestrian Plan (“Plan”), a framework strategy released in November of 2019 intended to guide the planning, design, and implementation of future bicycle improvement projects and policies in the Town; and

WHEREAS, the Plan was developed concurrently with Westfield’s Master Plan Reexamination and Parks & Recreation Strategic Plan, both of which support making Westfield a more bikeable community and builds on Westfield’s previous commitment to nonmotorized traffic through the adoption of a Complete Streets Policy in 2013; and

WHEREAS, the recommendations outlined in the Plan are designed to provide safe and convenient access to activity generators for non-motorized forms of transportation, and the range of actions necessary to implement the recommendations varies based on the recommended facility type and character of the existing street. Adhering to national design guidance (Manual of Uniform Traffic Control Devices, “MUTCD”) and best practices for bicycle facilities promotes a universal understanding of bicyclist and motorist behavior and expectations for a given facility type among all roadway users; and

WHEREAS, “shared-lanes” are recommended on segments of roads where limited cartway widths and/or high demand for onstreet parking make adding dedicated bicycle facilities problematic; and

WHEREAS, “shared-lane” markings may be used to indicate a shared environment for bicycles and automobiles and are typically applied on streets with a speed limit of 25 mph or less; and

WHEREAS, Prospect Street from West Dudley Avenue to East Broad Street has been identified as a suitable candidate for the installation of “shared-lane” markings to assert the legitimacy of bicyclists on the roadway, provide directional and wayfinding guidance, and provide motorists with visual cues to anticipate the presence of bicyclists;

NOW, THERFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield that MUTCD-compliant, Complete Streets compatible and Plan-recommended “shared-lane” markings be applied in one direction on Prospect Street heading southeasterly from West Dudley Avenue to East Broad Street.

Town Council comments:

Councilman LoGrippe asked if residents have been notified of the streets that would be marked.

The Town Administrator explained that only one street would be marked and explained that notification to residents would not occur until after the resolution is adopted. Further explained that this is a shared marked lane for a lane that already exists. Mentioned that there is a “pop-up” shared bike lane scheduled for October 3 and 4 that would compliment this lane.

Councilman Contract stated that the Green Team is holding resident feedback meetings on the pop-up bike lanes if this resolution is approved tonight.

Councilman LoGrippe asked if there would be further discussion concerning proposed bike lanes on Boulevard and Summit Avenue.

Councilman Contract explained that the pop-up bike lane is located on Dudley Avenue and down to East Broad Street.

The Town Administrator explained that the bike lanes proposed for Boulevard and Summit Avenue involve pending grant applications to the State of New Jersey.

Code Review & Town Property Committee

The following resolution, introduced by Councilwoman Mackey, seconded by Councilman Dardia was adopted by the following roll call vote:

Resolution No. 200

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health.

There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the Town of Westfield's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation, and maintenance of buildings; and

WHEREAS, the Town of Westfield desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock and continued procurement practices (e.g. improve water conservation, reduce light pollution, increase construction waste recycling); and

WHEREAS, the Town of Westfield additionally wishes to support green building in the private sector through a combination of voluntary actions (e.g., including a green building scorecard as a discussion item within the Site Plan approval process), actions that may be required in the future although not at the time of the adoption of this resolution (e.g., amending the Site Plan approval checklist to directly incorporate those green building standards available to a municipality), and educational actions (e.g., making available information on green building programs, guidelines, rebates etc. to residents of the municipality).

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities, and will encourage green design for commercial and residential buildings.

Resolution No. 201

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the

“Redevelopment Law”) provides a mechanism to empower and assist local governments to promote the advancement of community interests through programs of redevelopment for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law empowers the Town of Westfield (the “Town”), by and through its Mayor and Council (the “Governing Body”), to delineate an area within the Town as an area in need of rehabilitation if the area qualifies under one of the criteria enumerated under *N.J.S.A.* 40A:12A-14; and

WHEREAS, *N.J.S.A.* 40A:12A-14 provides that “where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality”; and

WHEREAS, Town Planner, Donald B. Sammet, PP/AICP, and Town Engineer, Kris McAloon, PE, had been directed to investigate whether the Town in its entirety (the “Study Area”) qualified as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, Mr. Sammet and Mr. McAloon prepared a report entitled “*Town of Westfield Area in Need of Rehabilitation Study*” dated August 26, 2020 which is attached hereto as Exhibit A (the “Study Report”); and

WHEREAS, the Study Report concludes that because (a) a majority of water and sewer infrastructure in the Study Area is at least 50 years old and is in need of repair or substantial maintenance and (b) because more than half of the housing stock in the Study Area is at least 50 years old, the Study Area qualifies as an area in need of rehabilitation under the Redevelopment Law; and

WHEREAS, the Redevelopment Law requires that the Mayor and Council refer the Study Report and any proposed resolution delineating the Study Area (the “Proposed Resolution”), a copy of which is attached hereto as Exhibit B, to the Planning Board for review.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield, County of Union, and State of New Jersey, as follows:

1. The Clerk is hereby directed to refer the Study Report and Proposed Resolution to the Planning Board for review and recommendation. Within forty-five (45) days of its receipt of the Study Report and Proposed Resolution, the Planning Board shall conduct its review at an open meeting and shall adopt and deliver to the Mayor and Council a resolution recommending that the Proposed Resolution be adopted, not be adopted, or be adopted with amendments.
2. All Town officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.
3. This Resolution shall take effect immediately.

Resolution No. 202

BE IT RESOLVED that application for the following liquor license renewals for the 2020-2021 licensing term be and hereby are granted, subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et. seq.:

PLENARY RETAIL DISTRIBUTION LICENSE

Trader Joe’s East, Inc.
t/a. Trader Joe’s
2020-44-008-007

155 Elm Street

Elicia Corporation
t/a Nos Vinos
2020-44-010-010

127 Central Avenue

Sunrise Shoprite Liquors, Inc.
t/a/ ShopRite Liquors of Westfield
2020-44-011-007

333 South Avenue East

Thakorji Corp.
t/a Peterson's Wines Unlimited
2020-44-012-004

1120 South Avenue West

PLENARY RETAIL CONSUMPTION LICENSE

Echo Lake Country Club
2020-33-027-002

515 Springfield Avenue

RESTAURANT CONDITIONAL LICENSES

Ferraro's Restaurant Group, LLC
t/a Ferraro's
2020-33-025-009

8-14 Elm Street

341 Westfield Corp.
t/a Fujiyama Mama
2020-33-004-015

341 South Avenue E.

UT Westfield LLC
t/a Addams Tavern
2020-33-028-005

115 Elm Street

HOTEL CONDITIONAL LICENSE

Chez Catherine Inc.
t/a Chez Catherine
2020-33-024-007

431 North Avenue West

Resolution No. 203

WHEREAS, the Town of Westfield wishes to retain a vendor to provide event production services for Tamaques Park Addamsfest Haunted Trail Attractions; and

WHEREAS, the Town of Westfield issued a Request for Proposals (RFP) for this service through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, EJB Entertainment LLC, 848 Mountain Avenue, Westfield, New Jersey has submitted a proposal dated September 1, 2020, indicating it would provide the aforementioned service for a fee not to exceed \$24,500; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFP; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to the Reserve for Charles Addams Festival, Account No. T-05-600-095 under Purchase Order No. 20-02971.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield, New Jersey as follows:

1. The Town of Westfield authorizes an award of contract to EJB Entertainment LLC for event production services for Tamaques Park Addamsfest Haunted Trail Attractions at a fee not to exceed \$24,500;
2. The proper Town Officials be and hereby are authorized to take whatever actions are appropriate in the execution and discharge of this Contract; and
3. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Town Council comments:

Councilman LoGrippe asked if any work by DPW would be needed in connection with the Tamaques Park Addamsfest Haunted Trail.

The Town Administrator explained that the work would be conducted by an outside vendor but DPW, Police and Fire Departments would most likely need to provide some support as they do for all Town events.

General Ordinance No. 2189

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2189 – AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD REVISING THE SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SITE PLAN AND PRELIMINARY AND FINAL SUBDIVISION APPLICATIONS”

The motion was seconded by Councilman Boyes.

General Ordinance No. 2189 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: None	Absent: None
Parmalee		
Katz		
LoGrippe		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2189 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of September 2020 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

General Ordinance No. 2190

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2190 – AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING THE EXTERIOR PROPERTY MAINTENANCE CODE”

The motion was seconded by Councilman Dardia.

General Ordinance No. 2190 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: None	Absent: None
Parmalee		
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2190 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of

September 2020 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Works Committee

The following resolution, introduced by Councilman Contract, and seconded by Councilman LoGrippe, was unanimously adopted.

Resolution No. 204

WHEREAS, by Resolution 163-2019, adopted June 18, 2019, the Town Council of Westfield entered into a contract with Fischer Contracting Inc. for 2019 Various Road Improvements as authorized by the Special Ordinance (S.O.) 2216A, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds is to be charged to S.O. 2216A, account C-07-19-221-6A1 under Purchase Order #19-02343

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$88,938.33 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2019 Various Road Improvements increasing the contract price to \$2,496,601.33.

Resolution No. 205

WHEREAS, by Resolution 151-2020, adopted June 30, 2020, the Town of Westfield entered into a contract with Fischer Contracting Inc., for the 2020 Improvement of North Chestnut Street as authorized by Special Ordinance (S.O.) 2216A, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2216A, Account number C-07-19-221-6A1 under Purchase Order #20-01968.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$9,657.04 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2020 Improvement of North Chestnut Street increasing the contract price to \$209,745.79.

Resolution No. 206

WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2020 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Wednesday, September 18, 2019, and

WHEREAS, the low bids received for Part A – Hauling from the Street (30 Cubic Yard Capacity (MINIMUM) Dump Trailers or Roll-off Containers with operators) have been analyzed and found to be fair and reasonable for the rental of this service; and

WHEREAS, the low bid received for Part B - Loaders, has been analyzed and found to be fair and reasonable for the rental of this service, and

WHEREAS, the Town received multiple bids for Alternate A-1 – Hauling from the Street (Tri-Axle Dump Trucks), however, has chosen not to award a contract for this item at this time; and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works account 137-246, in a total amount not expected to exceed \$170,000.00.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract

PART A

ELITE TRUCKING & RIGGING

P.O. Box 948 not to Hopatcong, NJ 07843	Hauling from Street/Trucks w/operators (1) \$83.00/HR, exceed \$40,000.00 under Purchase Order #20-02930
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FRANK GALBRAITH & SON

831 Raitan Road not Scotch Plains, NJ 07076 02931	Hauling from Street/Trucks w/operators (1) at \$84.50/HR, expected to exceed \$40,000.00 under Purchase Order #20-02931
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AMERITICO DISPOSAL, INC.

2295 South Avenue Scotch Plains, NJ 07076	Hauling from Street/Trucks w/operators (1) at \$84.50/HR, not expected to exceed \$40,000.00 under Purchase Order #20-02932
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PART B

JESCO, INC.

expected to 1790 Route 38 Mount Holly, NJ 08060	Front End Loaders w/o Operators (5) at \$63.00/HR, not exceed \$50,000.00 under Purchase Order #20-02933
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Resolution No. 207

BE IT RESOLVED that the Mayor and appropriate town officials are hereby authorized to sign the Interlocal Agreement for Leaf Collection Services between the Township of Scotch Plains and the Town of Westfield.

Resolution No. 208

WHEREAS, sealed bids were received by the Town Clerk on September 2, 2020 for the 2020 Improvement of Scotch Plains Avenue in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the low bid, in the amount of \$284,077.45, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract is to be charged to S.O. 2216A, account #C-07-19-221-6A1, under Purchase Order PO# 20-02934 .

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$284,077.45 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

COMMITTEE AS A WHOLE

The following resolution, introduced by Councilwoman Mackey, and seconded by Councilman LoGrippe, was unanimously adopted.

Resolution No. 209

WHEREAS, the Town Council of the Town of Westfield, in recognition of POW/MIA Remembrance Day on Friday, September 18, 2020, encourages all Veterans and Westfield residents to observe this important date while adhering to CDC guidelines designed to slow the spread of COVID-19; and

WHEREAS, Friday, September 18, 2020 has been declared “POW/MIA Remembrance Day” in the Town of Westfield, recognition day to give thanks, remember and honor the many brave men and women veterans who have given so much to make and keep us free and secure in this country; and

WHEREAS, POW/MIA Remembrance Day was established after the families of more than 2,500 Vietnam War prisoners of war and those missing in action wanted accountability from President Jimmy Carter and Congress; and

WHEREAS, since WWII, over 100,000 United States service members become POWs or MIA. The Defense POW/MIA Accounting Agency’s efforts to find these service members are constant. So far 41 men have been accounted for that went missing in the Korean War.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield hereby declares Friday, September 18, 2020 as:

“POW/MIA Remembrance Day”

COMMITTEE REPORTS

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Boyes at 11:32 P.M. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk